

Proposed Regulation

Section 12

SPECIAL ADDITIONAL RULES FOR MARIJUANA ESTABLISHMENTS

This Section is intended to outline the rules and regulations for all establishments licensed as marijuana establishments in the City of Chelsea. The Licensing Commission will not issue a license to anyone who has violated Licensing Commission rules and regulations in the past five (5) years. All licenses are subject to zoning approval and Cannabis Control Commission approval. No license will be issued until a permanent occupancy permits is issued for the premises in the application.

The City of Chelsea Licensing Commission may, to the extent permitted under applicable law, consider whether an applicant for a license is a suitable and responsible license candidate and other aspects of the application as may be necessary to implement the purposes of this section. An applicant's failure to comply with federal, state and City of Chelsea laws, regulations and codes including, but not limited to 935 CMR 500, the City of Chelsea Code of Ordinances, and this section or any conditions on a license may be cause for denial of an application for a new or renewal marijuana establishment license.

Failure of an applicant or licensee to remain in good standing with the City of Chelsea and Commonwealth of Massachusetts by paying any taxes, fees, charges, fines, or other payments due may be cause for denial of an application for a new or renewal marijuana establishment license.

12.01 Definitions: Words and phrases used in this regulation shall have the meanings given in the Regulations of the Cannabis Control Commission, 935 CMR 500 , et seq.

12.02 Applicability: This section applies to licensees of the Cannabis Control Commission operating within the City of Chelsea.

12.03 Local Licensure: No person may operate a marijuana establishment within the City of Chelsea unless licensed to do so by the City of Chelsea Licensing Commission. A marijuana establishment license shall be valid for one year from the first day of October. Each day of operation without a marijuana establishment license shall constitute a separate violation.

The City of Chelsea Licensing Commission shall not conduct a hearing on the licensure of a marijuana establishment until that marijuana establishment has obtained a provisional license from the Cannabis Control Commission.

Marijuana establishments shall post a City license in a conspicuous place where it can be easily read.

12.04 Types of Licenses: The Chelsea Licensing Commission shall issue the following types of licenses to marijuana establishments. Except as specifically provided below, the following types

of licenses are intended to be consistent with the license types defined in the regulations of the Massachusetts Cannabis Control Commission, 935 CMR 500 et seq.

- a) Marijuana retailer: an entity licensed to purchase and transport cannabis or marijuana products from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Licensees of the Chelsea Licensing Commission are prohibited from allowing on-premises consumption of marijuana or marijuana products regardless of whether such consumption may be allowed by the Cannabis Control Commission.
- b) Marijuana cultivator: an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.
- c) Marijuana product manufacturer: an entity licensed to obtain, manufacture, or process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.
- d) Other Non-Retail Marijuana Establishment: an independent testing laboratory, marijuana transporter, research laboratory, or any other Marijuana Establishment licensed by the Cannabis Control Commission not described above that is not licensed to sell marijuana or marijuana products to consumers.
- e) Medical Marijuana Establishment: Medical *marijuana* treatment center or medical marijuana dispensary shall mean a registered medical treatment center with the Cannabis Control Commission or the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses or administers *marijuana*, products containing *marijuana*, related supplies, or educational materials to qualifying patients or their personal caregivers. It shall further mean only those treatment centers licensed by the Commonwealth.

12.05 Concentration of Retail Licensees: In the interest of preventing concentration of retail marijuana establishments within particular areas of the City, the Licensing Commission will not consider an application for a retail marijuana establishment license

1. Within the same voting district as an existing retail marijuana establishment or one for which a complete initial application has already been filed with the Cannabis Control Commission; however, in the event the Licensing Commission finds that application of this paragraph 1 would have the effect of limiting the number of marijuana retailers below that provided in City of Chelsea Code of Ordinances Section 14-459 or otherwise rendering retail cannabis sale in the City of Chelsea unreasonably impractical, the Commission shall apply paragraph 2 below.

2. Within 500 feet from an existing marijuana retailer, as measured between the nearest points on the property lines, or one for which a complete initial application has already been filed with the Cannabis Control Commission.

12.06 Applications: The Licensing Department shall establish an application form for marijuana establishments. In support of its application, every applicant for a marijuana establishment license shall provide:

- A copy of the marijuana establishment's occupancy permit or application therefore.
- A copy of the marijuana establishment's application to the Cannabis Control Commission or Department of Public Health or Department of Agriculture.
- A copy of the applicant's license from the Cannabis Control Commission or Department of Public Health or Department of Agriculture.
- Copies of any marijuana establishment agent registration cards issued to the applicant by the Cannabis Control Commission.
- A floor plan of all operations and a plot plan showing deliveries and parking plans.
- Copy of Host Agreement with the city of Chelsea.

License applications shall be updated with current occupancy permit, registration cards or amended applications or licenses as these become available.

The Licensing Commission will not hold a public hearing on an application until the applicant has received a provisional license from the Cannabis Control Commission. Application may be filed prior to the issuance of the provisional license to provide the Licensing Administrator ample opportunity to perform the city's investigation.

12.07 Security Marijuana Establishments: All establishments shall maintain appropriate security precautions including those required by the regulations of the Cannabis Control Commission and such other precautions as necessary to prevent violations of the laws of the Commonwealth and the City of Chelsea or the regulations of the Cannabis Control Commission or the City of Chelsea Licensing Commission.

Marijuana establishments shall provide access to and copies of video from surveillance cameras upon the request of the Chelsea Police Department or another designee of the City of Chelsea Licensing Commission. If possible all cameras surveilling the outside and surrounding neighborhoods shall be accessible by the Chelsea View system.

12.08 Inspections: The City of Chelsea Licensing Commission or its designee may inspect a marijuana establishment and affiliated vehicles during operation and prior to issuance of a marijuana establishment license or renewal of a license. All areas of a marijuana establishment may be subject to inspection consistent with applicable law and City of Chelsea Host Agreement.

12.09 Revocations, Suspension or Modification: An applicant's failure to comply with Massachusetts and City of Chelsea laws, regulations and codes including, but not limited to 935 CMR 500, the City of Chelsea Code of Ordinances, and this section or any conditions on a license may be cause for revocation, suspension, or modification of a marijuana establishment license.

12.10. Prohibitions:

- a. No marijuana establishment shall sell its products to persons under the age

of 21.

- b. No marijuana retail establishment shall remain open after 9:00 p.m. or after its authorized licensed hours.
- c. No marijuana establishment shall also be licensed to sell alcohol in the City of Chelsea.
- d. There shall be no consumption or public taste testing at licensed establishments.
- e. All signage shall be approved through local zoning.
- f. All cultivation and manufacturing must be in compliance with license issued by Cannabis Control Commission.
- g. If a transporter then all trucks must be registered in the City of Chelsea.
- h. All licensees must comply with Host Agreement executed with the City of Chelsea.
- i. All cultivation and manufacturing must ensure that noise and odors are contained within the facility.

No licensee shall open its door for business until the City of Chelsea's license issued and the licensee has submitted its occupancy permit to the Licensing Administrator.